

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

<b>IN RE:</b>	§	
	§	<b>CASE NO. 10-60149</b>
<b>LACK'S STORES, INCORPORATED, ET AL.,<sup>1</sup></b>	§	
	§	<b>(CHAPTER 11)</b>
	§	
<b>DEBTORS.</b>	§	<b>(Jointly Administered)</b>
	§	

**WITNESS AND EXHIBIT LIST**

Judge: Jeff Bohm  
Courtroom Deputy: Vangie Attaway

Hearing Date: January 19, 2011  
Hearing Time: 2:30 p.m.  
Party's Name: Wilkerson Entities  
Attorney's Name: Mark Andrews  
Attorney's Phone: (214) 698-7800  
Nature of Proceeding:  
1. Motion to Compel Timely  
Performance of Post-petition Lease  
Obligations

**WITNESSES**

1. Gordon Wilkerson, Vice President , Wilkerson Properties

Wilkerson Entities reserve the right to call any witnesses designated by any other party,  
as well as replacement or rebuttal witnesses.

**EXHIBITS**

Ex. #	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
1.	Correspondence from Wilkerson Properties to Lack's Properties dated 11/15/07, 11/19/08, 12/04/09, and 11/24/10 requesting payment of taxes for the Lubbock property				

<sup>1</sup> The Debtors include Lack's Stores, Incorporated ("Lack's Stores"), Merchandise Acceptance Corporation, Lack's Furniture Centers, Inc., and Lack Properties, Inc. ("Lack Properties").

<b>Ex. #</b>	<b>Description</b>	<b>Offered</b>	<b>Objection</b>	<b>Admitted/ Not Admitted</b>	<b>Disposition</b>
2.	2010 Tax Statement for the Lubbock property				
3.	Memorandum of Lease dated October 26, 1999 and Lease Agreement between Lack's Stores, Inc. and the Wilkerson Entities dated February 5, 1998				
4.	Correspondence from Wilkerson Properties to Lack's Properties dated 11/03/05, 12/16/06, 11/21/07, 11/20/08, 12/04/09 and 11/24/10 requesting payment of taxes for the San Antonio property				
5.	2010 Tax Statement for the San Antonio property				
6.	Lease Agreement between John G. Wilkerson, Jr. and Lack's Stores, Inc.				
7.	Correspondence from Wilkerson Properties to Lack's Properties dated 11/08/10 requesting payment of taxes for the Waco property				
8.	2010 Tax Statement for the Waco property				
9.	Lease Agreement between 4800 Franklin, LLC and Lack's Stores, Inc. dated July 1, 2010				

Wilkerson Entities reserve the right to use any exhibits presented by any other party.

Wilkerson Entities also reserve the right to use exhibits not listed here for impeachment or rebuttal purposes at the hearing.

Wilkerson Entities also reserve the right to supplement or amend this Witness and Exhibit List any time prior to the hearing.

Dated: January 14, 2011

Respectfully submitted,

**COX SMITH MATTHEWS INCORPORATED**

By: /s/ Aaron M. Kaufman

Mark E. Andrews

State Bar No. 01253520

[mandrews@coxsmith.com](mailto:mandrews@coxsmith.com)

Aaron M. Kaufman

State Bar No. 24060067

[akaufman@coxsmith.com](mailto:akaufman@coxsmith.com)

1201 Elm Street, Suite 3300

Dallas, Texas 75270

(214) 698-7800

(214) 698-7899 (Fax)

**COUNSEL FOR WILKERSON ENTITIES**

**CERTIFICATE OF SERVICE**

On this 14th day of January 2011, a true and correct copy of the foregoing Witness & Exhibit List has been served electronically by the Court's PACER system to those parties registered to receive electronic notice. True and correct copies of the exhibits listed above were also provided to Debtors' counsel of record, including Paul E. Heath, Richard H. London and Katie Grissel via hand delivery, and counsel to the Official Committee of Unsecured Creditors, Clifford Katz, via Federal Express on the same date at the addresses listed below. Copies may be requested by contacting Deborah Andreacchi, (214) 698-7814 or [dandreac@coxsmith.com](mailto:dandreac@coxsmith.com).

<b>Counsel to the Debtor:</b> Paul Heath, Richard London, Katie Grissel Vinson & Elkins LLP 2001 Ross Ave., #3700 Dallas, TX 75201	Platzer Swergold Karlin Levine, Goldberg & Jaslow, LLP Attn: Clifford Katz 1065 Avenue of the Americas, 18th Floor New York, NY 10018
--	---

By: /s/ Aaron M. Kaufman

Aaron M. Kaufman